

**REMARKS**

**I. Status of the Claims**

The Office Action states that Claims 1-13 are pending in the present Application and that Claims 1-13 have been rejected. However, in July of 2003, a preliminary amendment was submitted to the Office by Kathryn Doty in which Claims 1-13 were canceled, and new Claims 14-17 were added. The preliminary amendment appears in PAIR so the Applicants are certain that the Office has received the amendment. In addition, new Claims 14-17 that were added in that amendment address some of the Examiner's current rejections. Therefore, the Applicants are responding to the current Office Action as if the 2003 preliminary amendment was entered, whereby Claims 1-13 were canceled and Claims 14-17 were newly added.

Claims 14-17 have been amended and now stand ready for examination on their merits.

**II. Effective Filing date is 1996 not 1998**

Applicants note that the preliminary amendment filed on July 10, 2003, added the priority statement which shows priority back to serial number 08/600,580, February 13, 1996. This Application has an effective filing date of February 13, 1996.

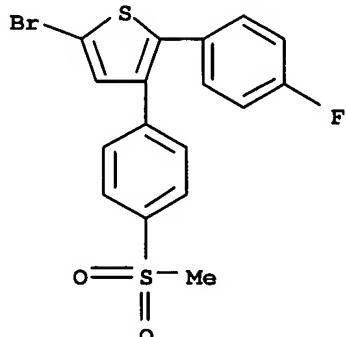
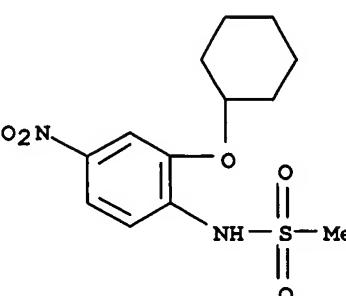
**III. Claim Rejection under 35 U.S.C. § 112, second paragraph**

a. **Claims 2, 3, and 4 were rejected under 35 U.S.C. 112, second paragraph,** as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to this rejection, the Applicants respectfully point out that each of the compounds listed in the Examiner's response are easily identifiable by one skilled in the art as being part of the Chemical Abstract Service (CAS) collection and could easily be obtained by, for example, using SciFinder®. In doing so, the Applicants have listed the chemical names for each of the compounds in the following table, and have amended

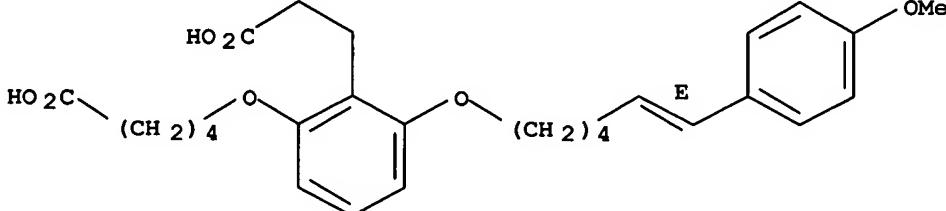
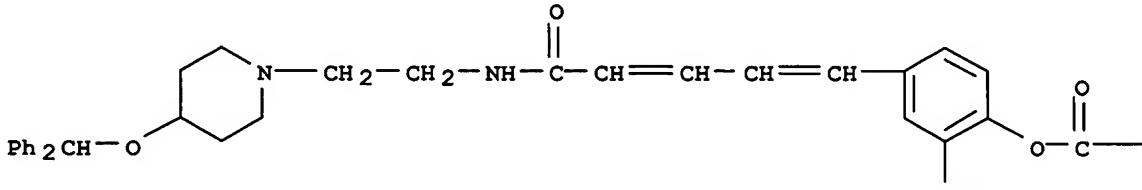
the claims by replacing the trademark names with the compound names. No new matter has been added in making these amendments.

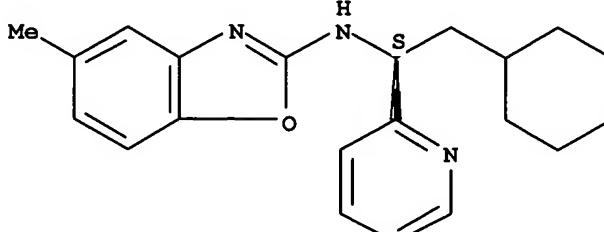
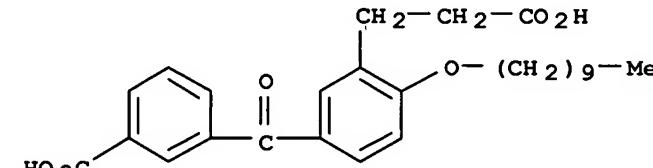
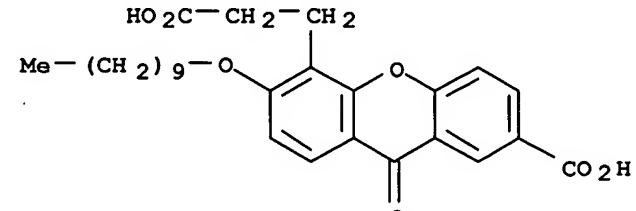
Two compounds have been deleted from the Claims. One involves a typographical error. This compound is Shionogi S-2472. The second compound is Leo Denmark SR-2566, for which a chemical name is not available. Nevertheless, this compound is readily identifiable by CAS number 195215-55-5.

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|---------------|--|
| Dup-697       | <b>Registry Number:</b> 88149-94-4<br><br><b>Formula:</b> C17 H12 Br F O2 S2<br><b>CA Index Name:</b> Thiophene, 5-bromo-2-(4-fluorophenyl)-3-[4-(methylsulfonyl)phenyl]- (9CI)<br><b>Other Names:</b> DuP 697   |
| Taisho NS-398 | <b>Registry Number:</b> 123653-11-2<br><br><b>Formula:</b> C13 H18 N2 O5 S<br><b>CA Index Name:</b> Methanesulfonamide, N-[2-(cyclohexyloxy)-4-nitrophenyl]- (9CI)<br><b>Other Names:</b> N-(2-Cyclohexyloxy-4-nitrophenyl)methanesulfonamide; NS 398; Taisho NS 398 |

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|                                  |   |
| Bayer<br>Bay-x-<br>1005          | <p>128253-31-6</p> <p>Absolute stereochemistry. Rotation (+).</p> <p><b>Formula:</b> C<sub>23</sub>H<sub>23</sub>N<sub>0</sub>O<sub>3</sub></p> <p><b>CA Index Name:</b> Benzeneacetic acid, 4-cyclopentyl-4-(2-quinolinylmethoxy)-, (R)- (9CI)</p>   |
| Ciba-<br>Geigy<br>CGS-<br>25019C | <p>Registry Number: 147398-01-4</p> <p>Component Registry Number: 146978-48-5</p> <p>Formula: C<sub>26</sub>H<sub>37</sub>N<sub>3</sub>O<sub>4</sub></p> <p>Component Registry Number: 110-16-7</p> <p>Formula: C<sub>4</sub>H<sub>4</sub>O<sub>4</sub></p> <p>Double bond geometry as shown.</p> <p><b>Formula:</b> C<sub>26</sub>H<sub>37</sub>N<sub>3</sub>O<sub>4</sub> . C<sub>4</sub>H<sub>4</sub>O<sub>4</sub></p> <p><b>CA Index Name:</b> Benzamide, 4-[[5-[4-(aminoiminomethyl)phenoxy]pentyl]oxy]-3-methoxy-N,N-</p> |

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|---------------------------|---|
|                           | <p style="text-align: right;">bis(1-methylethyl)-, (2Z)-2-butenedioate (1:1) (9Cl)</p> <p><b>Other Names:</b> Benzamide, 4-[[5-[4-(aminoiminomethyl)phenoxy]pentyl]oxy]-3-methoxy-N,N-bis(1-methylethyl)-, (Z)-2-butenedioate (1:1); CGS 25019C; LTB 019; Moxilubant maleate</p>  |
| Leo<br>Denmark<br>ETH-615 | <p><b>Registry Number:</b> 133430-69-0</p> <p><b>Chemical Structure:</b></p> <p><b>Formula:</b> C<sub>31</sub>H<sub>25</sub>FN<sub>2</sub>O<sub>3</sub></p> <p><b>CA Index Name:</b> Benzoic acid, 4-[[[(3-fluorophenyl)methyl][4-(2-quinolinylmethoxy)phenyl]amino]methyl]- (9Cl)</p> <p><b>Other Names:</b> ETH 615</p> |
| Lilly Ly-<br>293111       | <p><b>Registry Number:</b> 161172-51-6</p> <p><b>Chemical Structure:</b></p> <p><b>Formula:</b> C<sub>33</sub>H<sub>33</sub>FO<sub>6</sub></p> <p><b>CA Index Name:</b> Benzoic acid, 2-[3-[3-[(5-ethyl-4'-fluoro-2-hydroxy[1,1'-biphenyl]-4-yl)oxy]propoxy]-2-propylphenoxy]- (9Cl)</p>                                  |

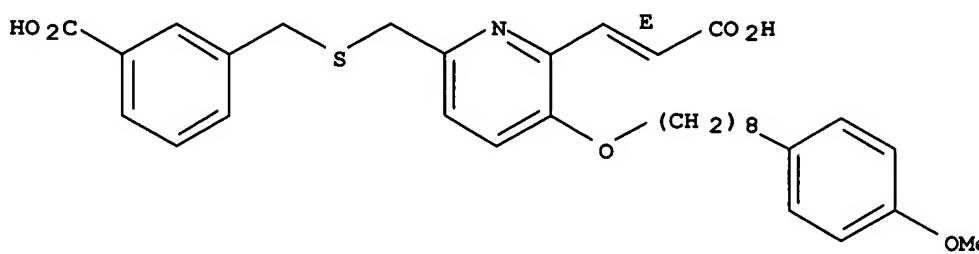
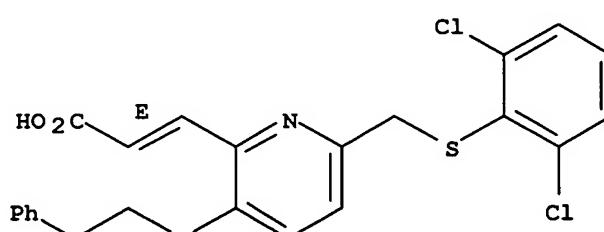
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|                |  |
| Ono ONO-4057   | <p><b>Registry Number:</b> 134578-96-4</p> <p>Double bond geometry as shown.</p>   |
|                | <p><b>Formula:</b> C27 H34 O7</p> <p><b>CA Index Name:</b> Benzenepropanoic acid, 2-(4-carboxybutoxy)-6-[(5E)-6-(4-methoxyphenyl)-5-hexenyl]oxy]- (9Cl)</p> <p><b>Other Names:</b> Benzenepropanoic acid, 2-(4-carboxybutoxy)-6-[(6-(4-methoxyphenyl)-5-hexenyl)oxy]-, (E)-; ONO 4057; ONO-LB 457</p>  |
| Terumo TMK-688 | <p><b>Registry Number:</b> 110501-66-1</p> <p style="text-align: right;">PAGE 1-A</p>  <p style="text-align: right;">PAGE 1-B</p> <p>— OEt</p> <p><b>Formula:</b> C35 H40 N2 O6</p> <p><b>CA Index Name:</b> Carbonic acid, 4-[5-[[2-[4-(diphenylmethoxy)-1-piperidinyl]ethyl]amino]-5-oxo-1,3-pentadienyl]-2-methoxyphenyl ethyl ester (9Cl)</p> <p><b>Other Names:</b> TMK 688</p> |

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|                    |   |
| BI-RM-270          | <p><b>Registry Number:</b> 147432-77-7</p> <p>Absolute stereochemistry.</p>  <p><b>Formula:</b> C<sub>21</sub>H<sub>25</sub>N<sub>3</sub>O</p> <p><b>CA Index Name:</b> 2-Benzoxazolamine, N-[(1S)-2-cyclohexyl-1-(2-pyridinyl)ethyl]-5-methyl- (9CI)</p> <p><b>Other Names:</b> 2-Benzoxazolamine, N-[2-cyclohexyl-1-(2-pyridinyl)ethyl]-5-methyl-, (S)-; BIRM 270; Ontazolast</p> |
| Lilly LY<br>213024 | <p><b>Registry Number:</b> 117423-95-7</p>  <p><b>Formula:</b> C<sub>27</sub>H<sub>34</sub>O<sub>6</sub></p> <p><b>CA Index Name:</b> Benzenepropanoic acid, 5-(3-carboxybenzoyl)-2-(decyloxy)- (9CI)</p> <p><b>Other Names:</b> LY 213024</p>  |
| Lilly LY<br>264086 | <p><b>Registry Number:</b> 135199-82-5</p>    |

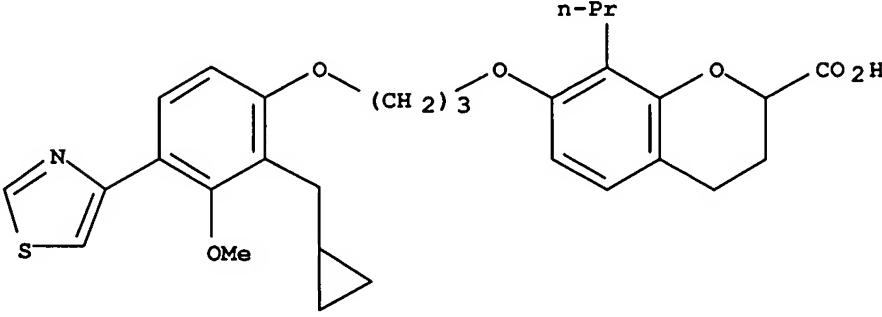
|                                 |   |                   |   |                   |            |                         |          |
|---------------------------------|---|-------------------|---|-------------------|------------|-------------------------|----------|
|                                 | <p><b>Formula:</b> C27 H32 O7</p> <p><b>CA Index Name:</b> 9H-Xanthene-4-propanoic acid, 7-carboxy-3-(decyloxy)-9-oxo- (9CI)</p> <p><b>Other Names:</b> LY 264086</p>   |                   |   |                   |            |                         |          |
| Lilly LY<br>292728              | <p><b>Registry Number:</b> 153034-77-6</p> <p></p> <p><b>Formula:</b> C34 H29 F O9</p> <p><b>CA Index Name:</b> 9H-Xanthene-4-propanoic acid, 7-carboxy-3-[3-[(5-ethyl-4'-fluoro-2-hydroxy[1,1'-biphenyl]-4-yl)oxy]propoxy]-9-oxo- (9CI)</p> <p><b>Other Names:</b> 3-[7-Carboxy-9-oxo-3-[3-[2-ethyl-4-(4-fluorophenyl)-5-hydroxyphenoxy]propoxy]-9H-xanthen-4-yl]propanoic acid; LY 292728</p>                   |                   |   |                   |            |                         |          |
| Calcitriol                      | <p><b>Synonyms:</b> <u>Calcitriol</u>, <u>ROCALTROL (TN)</u></p> <p></p> <table border="1"> <tr> <td><b>IUPAC Name</b></td><td>3-[2-[[3-(5-hydroxy-1,5-dimethyl-hexyl)-3a-methyl-1,2,3,3a,4,5,6,7a-oc-tahydroinden-7-ylidene]]ethylidene]-2-methylene-cyclohexane-1,5-diol</td></tr> <tr> <td><b>CAS Number</b></td><td>32222-06-3</td></tr> <tr> <td><b>Chemical Formula</b></td><td>C27H44O3</td></tr> </table> | <b>IUPAC Name</b> | 3-[2-[[3-(5-hydroxy-1,5-dimethyl-hexyl)-3a-methyl-1,2,3,3a,4,5,6,7a-oc-tahydroinden-7-ylidene]]ethylidene]-2-methylene-cyclohexane-1,5-diol | <b>CAS Number</b> | 32222-06-3 | <b>Chemical Formula</b> | C27H44O3 |
| <b>IUPAC Name</b>               | 3-[2-[[3-(5-hydroxy-1,5-dimethyl-hexyl)-3a-methyl-1,2,3,3a,4,5,6,7a-oc-tahydroinden-7-ylidene]]ethylidene]-2-methylene-cyclohexane-1,5-diol   |                   |   |                   |            |                         |          |
| <b>CAS Number</b>               | 32222-06-3  |                   |   |                   |            |                         |          |
| <b>Chemical Formula</b>         | C27H44O3  |                   |   |                   |            |                         |          |
| Perdue<br>Frederick<br>PF 10042 | <b>Registry Number:</b> 135893-33-3   |                   |   |                   |            |                         |          |

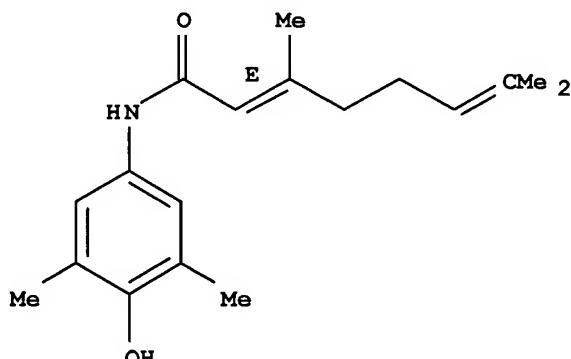
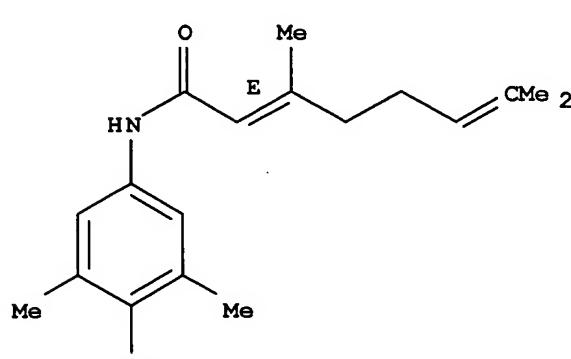
|                              |   |
|------------------------------|---|
|                              | <p><b>Formula:</b> C29 H31 N O4</p> <p><b>CA Index Name:</b> Pyrrolidine, 1-[5-hydroxy-5-[8-(1-hydroxy-2-phenylethyl)-2-dibenzofuranyl]-1-oxopentyl]- (9CI)</p> <p><b>Other Names:</b> PF 10042</p>               |
| Rhone-Poulenc Rorer RP 66153 | <p><b>Registry Number:</b> 142422-79-5</p> <p><b>Formula:</b> C22 H30 O2 S</p> <p><b>CA Index Name:</b> 2-Thiopheneheptanoic acid, 2,2-dimethyl-3-(3-phenylpropyl)- (9CI)</p> <p><b>Other Names:</b> RP 66153</p> |
| Smithkline Beecham SB-201146 | <p><b>Registry Number:</b> 180208-37-1</p> <p>Double bond geometry as shown.</p>  |

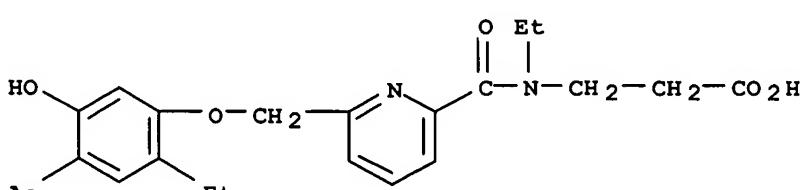
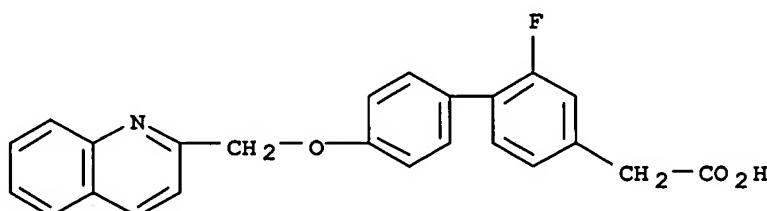
|                  |  |
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|                  | <p><b>Formula:</b> C30 H36 N2 O5 S</p> <p><b>CA Index Name:</b> 2-Propenoic acid, 3-[6-[(3-aminophenyl)sulfinyl]methyl]-3-[(8-(4-methoxyphenyl)octyl)oxy]-2-pyridinyl-, (2E)- (9CI)</p> <p><b>Other Names:</b> 2-Propenoic acid, 3-[6-[(3-aminophenyl)sulfinyl]methyl]-3-[(8-(4-methoxyphenyl)octyl)oxy]-2-pyridinyl-, (E)-; SB 201146</p>   |
| Pfizer<br>105696 | <p><b>Registry Number:</b> 158081-99-3</p> <p>Absolute stereochemistry.</p> <p><b>Formula:</b> C28 H28 O4</p> <p><b>CA Index Name:</b> Cyclopentanecarboxylic acid, 1-[(3S,4R)-3-([1,1'-biphenyl]-4-ylmethyl)-3,4-dihydro-4-hydroxy-2H-1-benzopyran-7-yl]- (9CI)</p> <p><b>Other Names:</b> Cyclopentanecarboxylic acid, 1-[3-([1,1'-biphenyl]-4-ylmethyl)-3,4-dihydro-4-hydroxy-2H-1-benzopyran-7-yl]-, (3S-trans)-; CP 105696; Pfizer 105696</p> |
| Smithkline       | <b>Registry Number:</b> 150399-22-7  |

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| Beecham<br>SB-<br>201993               | <p>Double bond geometry as shown.</p>  <p><b>Formula:</b> C32 H37 N O6 S</p> <p><b>CA Index Name:</b> Benzoic acid, 3-[[[6-[(1E)-2-carboxyethenyl]-5-[[8-(4-methoxyphenyl)octyl]oxy]-2-pyridinyl]methyl]thio]methyl]- (9CI)</p> <p><b>Other Names:</b> Benzoic acid, 3-[[[6-(2-carboxyethenyl)-5-[[8-(4-methoxyphenyl)octyl]oxy]-2-pyridinyl]methyl]thio]methyl]-, (E)-; SB 201993</p>  |
| Smithkline<br>Beecham<br>SB-<br>209247 | <p><b>Registry Number:</b> 154413-61-3</p> <p>Double bond geometry as shown.</p>  <p><b>Formula:</b> C23 H19 Cl2 N O3 S</p> <p><b>CA Index Name:</b> 2-Propenoic acid, 3-[[6-[(2,6-dichlorophenyl)thio]methyl]-3-(2-phenylethoxy)-2-pyridinyl]-, (2E)- (9CI)</p> <p><b>Other Names:</b> 2-Propenoic acid, 3-[[6-[(2,6-dichlorophenyl)thio]methyl]-3-(2-phenylethoxy)-2-pyridinyl]-, (E)-; (E)-3-[[6-[(2,6-Dichlorophenyl)thio]methyl]-3-(2-phenylethoxy)-2-pyridinyl]-2-propenoic acid; SB 209247; Ticolubant</p> |

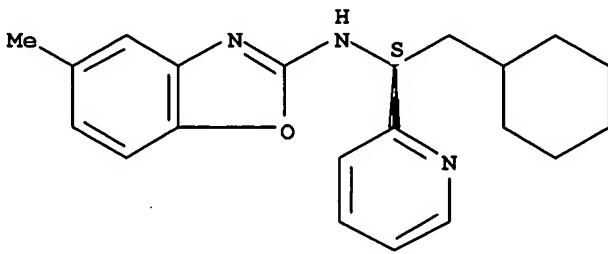
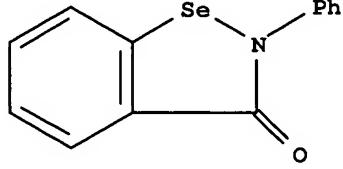
|  |   |
|--|---|
|  | <p><b>Searle SC-53228</b></p> <p><b>Registry Number:</b> 153633-01-3</p> <p>Absolute stereochemistry.</p> <p><b>Formula:</b> C<sub>31</sub>H<sub>41</sub>N O<sub>7</sub></p> <p><b>CA Index Name:</b> 2H-1-Benzopyran-2-propanoic acid, 7-[3-[2-(cyclopropylmethyl)-3-methoxy-4-[(methylamino)carbonyl]phenoxy]propoxy]-3,4-dihydro-8-propyl-, (2S)- (9CI)</p> <p><b>Other Names:</b> 2H-1-Benzopyran-2-propanoic acid, 7-[3-[2-(cyclopropylmethyl)-3-methoxy-4-[(methylamino)carbonyl]phenoxy]propoxy]-3,4-dihydro-8-propyl-, (S)-; (+)-SC 51146; SC 53228</p> |
| <p><b>Shinonogi S-2474</b><br/>(typo:<br/>was S-<br/>2472)</p> | <p><b>Registry Number:</b> 158089-95-3</p> <p>Double bond geometry as shown.</p> <p><b>Formula:</b> C<sub>20</sub>H<sub>31</sub>N O<sub>3</sub>S</p>  |

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|                     | <p><b>CA Index Name:</b> Phenol, 2,6-bis(1,1-dimethylethyl)-4-[(E)-(2-ethyl-1,1-dioxido-5-isothiazolidinylidene)methyl]- (9CI)</p> <p><b>Other Names:</b> Phenol, 2,6-bis(1,1-dimethylethyl)-4-[(2-ethyl-5-isothiazolidinylidene)methyl]-, S,S-dioxide, (E)-; Phenol, 2,6-bis(1,1-dimethylethyl)-4-[(2-ethyl-1,1-dioxido-5-isothiazolidinylidene)methyl]-, (E)-; S 2474</p>  |
| Searle SC-52798     | <p><b>Registry Number:</b> 162153-46-0</p> <p>Rotation (+).</p>  <p><b>Formula:</b> C<sub>30</sub>H<sub>35</sub>N O<sub>6</sub>S</p> <p><b>CA Index Name:</b> 2H-1-Benzopyran-2-carboxylic acid, 7-[3-[2-(cyclopropylmethyl)-3-methoxy-4-(thiazolyl)phenoxy]propoxy]-3,4-dihydro-8-propyl-, (+)- (9CI)</p> <p><b>Other Names:</b> SC 52798</p> |
| Leo Denmark SR-2566 | <p><b>Registry Number:</b> 195215-55-5</p> <p>No Structure Diagram</p> <p>Available</p> <p><b>Formula:</b> Unspecified</p> <p><b>CA Index Name:</b> SR 2566 (9CI)</p> <p><b>Class Identifier:</b> Manual Registration</p>  |

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|------------------|--|
|                  | <b>Editor Note(s):</b> A leukotriene B4 receptor antagonist  |
| Tanabe T-<br>757 | <p><b>Registry Number:</b> 130211-75-5</p> <p>Double bond geometry as shown.</p>  <p><b>Formula:</b> C18 H25 N O2</p> <p><b>CA Index Name:</b> 2,6-Octadienamide, N-(4-hydroxy-3,5-dimethylphenyl)-3,7-dimethyl-, (2E)- (9CI)</p> <p><b>Other Names:</b> 2,6-Octadienamide, N-(4-hydroxy-3,5-dimethylphenyl)-3,7-dimethyl-, (E)-; T 0757</p> |
| Tanabe T-<br>757 | <p><b>Registry Number:</b> 130211-75-5</p> <p>Double bond geometry as shown.</p>  <p><b>Formula:</b> C18 H25 N O2</p>  |

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|   | <b>CA Index Name:</b> 2,6-Octadienamide, N-(4-hydroxy-3,5-dimethylphenyl)-3,7-dimethyl-, (2E)- (9CI)<br><b>Other Names:</b> 2,6-Octadienamide, N-(4-hydroxy-3,5-dimethylphenyl)-3,7-dimethyl-, (E)-; T 0757   |
| Sumitamo<br>SM 15178                          | <b>Registry Number:</b> 146461-98-5<br><br><b>Formula:</b> C22 H26 N2 O6<br><b>CA Index Name:</b> $\alpha$ -Alanine, N-[[6-[(4-acetyl-2-ethyl-5-hydroxyphenoxy)methyl]-2-pyridinyl]carbonyl]-N-ethyl- (9CI)<br><b>Other Names:</b> SM 15178 |
| American<br>Home<br>Products<br>Way<br>121006 | <b>Registry Number:</b> 136326-31-3<br><br><b>Formula:</b> C24 H18 F N O3<br><b>CA Index Name:</b> [1,1'-Biphenyl]-4-acetic acid, 2-fluoro-4'-(2-quinolinylmethoxy)- (9CI)<br><b>Other Names:</b> WAY 121006                              |
| Warner-                                       | <b>Registry Number:</b> 195215-25-9   |

|                   |  |
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| Lambert<br>BPC-15 | <p>No Structure<br/>Diagram</p> <p>Available</p> <p><b>Formula:</b> Unspecified</p> <p><b>CA Index Name:</b> BPC 15 (9Cl)</p> <p><b>Class Identifier:</b> Manual Registration</p> <p><b>Editor Note(s):</b> A leukotriene B4 receptor antagonist</p>   |
| Pfizer<br>105696  | <p><b>Registry Number:</b> 158081-99-3</p> <p>Absolute stereochemistry.</p> <p></p> <p><b>Formula:</b> C28 H28 O4</p> <p><b>CA Index Name:</b> Cyclopentanecarboxylic acid, 1-[(3S,4R)-3-([1,1'-biphenyl]-4-ylmethyl)-3,4-dihydro-4-hydroxy-2H-1-benzopyran-7-yl]- (9Cl)</p> <p><b>Other Names:</b> Cyclopentanecarboxylic acid, 1-[3-([1,1'-biphenyl]-4-ylmethyl)-3,4-dihydro-4-hydroxy-2H-1-benzopyran-7-yl]-, (3S-trans)-; CP 105696; Pfizer 105696</p> |
| ontazolast        | <p><b>Registry Number:</b> 147432-77-7</p> <p>Absolute stereochemistry.</p>  |

|         |   |
|---------|---|
|         |  <p><b>Formula:</b> C21 H25 N3 O</p> <p><b>CA Index Name:</b> 2-Benzoxazolamine, N-[(1S)-2-cyclohexyl-1-(2-pyridinyl)ethyl]-5-methyl- (9CI)</p> <p><b>Other Names:</b> 2-Benzoxazolamine, N-[2-cyclohexyl-1-(2-pyridinyl)ethyl]-5-methyl-, (S)-; BIRM 270; Ontazolast</p>                       |
| ebselen | <p><b>Registry Number:</b> 60940-34-3</p>  <p><b>Formula:</b> C13 H9 N O Se</p> <p><b>CA Index Name:</b> 1,2-Benziselenazol-3(2H)-one, 2-phenyl- (9CI)</p> <p><b>Other Names:</b> 2-Phenyl-1,2-benziselenazol-3(2H)-one; 2-Phenyl-1,2-benziselenazol-3(2H)-one; Ebselen; NSC 639762; PZ 51</p> |

**b. Rejection of Claims 5 and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 5 and 13 are no longer pending in the present Application. Therefore, it is believed that these rejections are moot.

**IV. Claim Rejection under 35 U.S.C. § 102**

**a. Claims 1-9 and 12-13 are rejected under 35 U.S.C. 102(b)** as allegedly being anticipated by Isakson et al. (WO 96/41645). Claims 1-13 have been previously canceled and therefore, this rejection is moot.

**b. Immunosuppressive Agent versus Anti-Inflammatory Agent**

The Office alleges that Isakson teaches a combination of COX-2 inhibitor and a leukotriene B4 receptor antagonist that is useful for the treatment of inflammation and inflammation-related disorders (i.e. arthritis). The Office alleges that since the COX-2 inhibitor is generally considered as an anti-inflammatory-acting compound in the art, both the immunosuppressive drug and the COX-2 inhibitor could be the same agent.

In response, the Applicants respectfully point out that Claims 14-17 now Claim two immunosuppressive agents that are not COX-2 inhibitors.

The Applicants therefore respectfully request that this rejection be withdrawn and the Claims be allowed to issue.

**V. Weier et al. is not Available to Support a Rejection of Claims 1-2, 5-8 and 12-13 35 U.S.C. § 102(e)**

The instant application has an effective filing date of February 13, 1996: it is a divisional application of application No. 09/075,633 (now U.S. Patent No. 6,172,096), filed May 11, 1998, which was a continuation of application No. 08/600,580, filed February 13, 1996.

According to the face of the Weier et al. patent, that patent has a § 102(e) date of August 8, 1997, over seventeen months later than the effective filing date of the present application. Thus, Weier et al. is not available to support a rejection of claims 1, 2, and 5-8 and 12-13 under 35 U.S.C. § 102(e).

Accordingly, the rejection of Claims 1-2, 5-8 and 12-13 under 35 U.S.C. § 102(e) was improper and Weier should be withdrawn as a reference.

**VI. Claim Rejection under 35 U.S.C. § 103**

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isakson et al. (WO 96/41645) in view of Pollock et al. The Applicants believe that this rejection is moot because Claims 10 and 11 have been canceled and new claims 14-17 do not include cyclosporine A .

#### **VII. Obviousness-type Double Patenting Rejection**

Claims 1-13 are rejected under the judicially created doctrine of double patenting over claims 1-11 of U.S. Patent No. 6,337,329 B1.

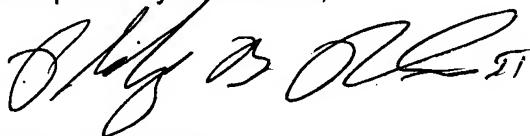
Claims 1-9 and 12-13 are rejected under the judicially created doctrine of double patenting over claims 1-8 of U.S. Patent No. 6,136,839 B1.

Because the alleged conflicting claims have not yet been allowed, Applicants will address the merits of the obviousness-type double patenting rejection when or if the Claims of the instant Application are allowed.

#### **VIII. Conclusion**

If the Examiner believes a telephonic interview with Applicant's representative would aid in the prosecution of this application, he is cordially invited to contact Applicant's representative at the below listed number.

Respectfully submitted,



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Reg. No. 43,864  
PHARMACIA CORPORATION  
Corporate Patent Law Department  
314-274-9094 (St. Louis)



PHA 4145.4 (2918/3A)

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Susan A. Gregory et al.

Art Unit: 1614

Serial No. To Be Assigned

**COPY**

Filed July 10, 2003

Confirmation No. To Be Assigned

For IMMUNOSUPPRESSIVE EFFECTS OF ADMINISTRATION OF A  
CYCLOOXYGENASE-2 INHIBITOR AND A LEUKOTRIENE B4 RECEPTOR  
INHIBITOR

Examiner Brian Yong S. Kwon

July 10, 2003

**PRELIMINARY AMENDMENT A**

TO THE ASSISTANT COMMISSIONER FOR PATENTS,  
Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Prior to examination of the above-referenced application, please make the following  
amendments:

**IN THE TITLE:**

Change the title to:

--IMMUNOSUPPRESIVE EFFECTS OF ADMINISTRATION OF A  
CYCLOOXYGENASE-2 INHIBITOR, A LEUKOTRIENE B4 RECEPTOR INHIBITOR AND  
A CYCLOSPORIN--

**IN THE SPECIFICATION:**

On page 1, following the Title of the Invention please replace lines 5 - 8 with the following paragraph:

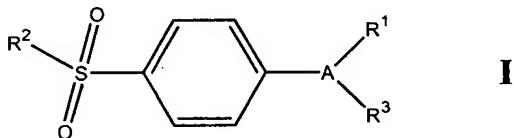
--This application is a divisional of U.S. Serial No. 09/659,299, filed September 12, 2000, which is a divisional of U.S. Serial No. 09/075,633, filed May 11, 1998, which is a continuation of 08/600,580, filed February 13, 1996, now abandoned.--

## IN THE CLAIMS:

Please cancel Claims 1-13.

Please add the following new claims:

Claim 14 (New): A combination comprising a therapeutically-effective amount of a cyclooxygenase-2 inhibitor, a leukotriene B4 receptor antagonist and 15-Deoxyspergualin, wherein the cyclooxygenase-2 inhibitor is selected from Dupont Dup-697 (5-bromo-2-(4-fluorophenyl)-3-[4-(methylsulfonyl)phenyl]-thiophene), Taisho NS-398 (N-[2-(cyclohexyloxy)-4-nitrophenyl]-methanesulfonamide), meloxicam, flosulide or compounds of Formula I



wherein:

A is a 5- or 6-member ring substituent selected from partially unsaturated or unsaturated heterocyclo or carbocyclic rings;

R<sup>1</sup> is at least one substituent selected from the group consisting of heterocyclo, cycloalkyl, cycloalkenyl and aryl, wherein R<sup>1</sup> is optionally substituted at a substitutable position with one or more radicals selected from the group consisting of alkyl, haloalkyl, cyano, carboxyl, alkoxycarbonyl, hydroxyl, hydroxyalkyl, haloalkoxy, amino, alkylamino, arylamino, nitro, alkoxyalkyl, alkylsulfinyl, halo, alkoxy and alkylthio;

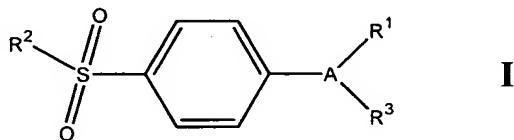
R<sup>2</sup> is selected from the group consisting of alkyl, and amino; and

R<sup>3</sup> is a radical selected from the group consisting of halo, alkyl, alkenyl, alkynyl, oxo, cyano, carboxyl, cyanoalkyl, heterocycloxy, alkyloxy, alkylthio, alkylcarbonyl, cycloalkyl, aryl, haloalkyl, heterocyclo, cycloalkenyl, aralkyl, heterocycloalkyl, acyl, alkylthioalkyl, hydroxyalkyl, alkoxy carbonyl, arylcarbonyl, aralkylcarbonyl, aralkenyl, alkoxyalkyl, arylthioalkyl, aryloxyalkyl, aralkylthioalkyl, aralkoxyalkyl, alkoxylaralkoxyalkyl, alkoxy carbonylalkyl, aminocarbonyl, aminocarbonylalkyl, alkylaminocarbonyl, N-arylaminocarbonyl, N-alkyl-N-arylaminocarbonyl, alkylaminocarbonylalkyl, carboxyalkyl,

alkylamino, N-arylarnino, N-aralkylarnino, N-alkyl-N-aralkylarnino, N-alkyl-N-arylarnino, aminoalkyl, alkylarninoalkyl, N-arylarninoalkyl, N-aralkylarninoalkyl, N-alkyl-N-aralkylarninoalkyl, N-alkyl-N-arylarninoalkyl, aryloxy, aralkoxy, arylthio, aralkylthio, alkylsulfinyl, alkylsulfonyl, aminosulfonyl, alkylaminosulfonyl, N-arylaminosulfonyl, arylsulfonyl, and N-alkyl-N-arylaminosulfonyl;

or a pharmaceutically-acceptable salt thereof.

Claim 15 (New): A combination comprising a therapeutically-effective amount of a cyclooxygenase-2 inhibitor, a leukotriene B4 receptor antagonist and rapamycin, wherein the cyclooxygenase-2 inhibitor is selected from Dupont Dup-697 (5-bromo-2-(4-fluorophenyl)-3-[4-(methylsulfonyl)phenyl]-thiophene), Taisho NS-398 (N-[2-(cyclohexyloxy)-4-nitrophenyl]-methanesulfonamide), meloxicam, flosulide or compounds of Formula I



wherein:

A is a 5- or 6-member ring substituent selected from partially unsaturated or unsaturated heterocyclo or carbocyclic rings;

$R^1$  is at least one substituent selected from the group consisting of heterocyclo, cycloalkyl, cycloalkenyl and aryl, wherein  $R^1$  is optionally substituted at a substitutable position with one or more radicals selected from the group consisting of alkyl, haloalkyl, cyano, carboxyl, alkoxy carbonyl, hydroxyl, hydroxyalkyl, haloalkoxy, amino, alkylamino, arylamino, nitro, alkoxyalkyl, alkylsulfinyl, halo, alkoxy and alkylthio;

$R^2$  is selected from the group consisting of alkyl, and amino; and

$R^3$  is a radical selected from the group consisting of halo, alkyl, alkenyl, alkynyl, oxo, cyano, carboxyl, cyanoalkyl, heterocycloxy, alkyloxy, alkylthio, alkylcarbonyl, cycloalkyl, aryl, haloalkyl, heterocyclo, cycloalkenyl, aralkyl, heterocycloalkyl, acyl, alkylthioalkyl, hydroxyalkyl, alkoxy carbonyl, arylcarbonyl, aralkylcarbonyl, aralkenyl, alkoxyalkyl, arylthioalkyl, aryloxyalkyl, aralkylthioalkyl, aralkoxyalkyl, alkoxyaralkoxyalkyl,

alkoxycarbonylalkyl, aminocarbonyl, aminocarbonylalkyl, alkylaminocarbonyl, N-arylaminocarbonyl, N-alkyl-N-arylaminocarbonyl, alkylaminocarbonylalkyl, carboxyalkyl, alkylamino, N-aryl amino, N-aralkylamino, N-alkyl-N-aralkylamino, N-alkyl-N-aryl amino, aminoalkyl, alkylaminoalkyl, N-aryl aminoalkyl, N-aralkylaminoalkyl, N-alkyl-N-aralkylaminoalkyl, N-alkyl-N-aryl aminoalkyl, aryloxy, aralkoxy, arylthio, aralkylthio, alkylsulfinyl, alkylsulfonyl, aminosulfonyl, alkylaminosulfonyl, N-arylaminosulfonyl, arylsulfonyl, and N-alkyl-N-arylaminosulfonyl;

or a pharmaceutically-acceptable salt thereof.

Claim 16 (New): The combination of Claim 14 wherein the leukotriene B4 receptor antagonist is selected from the group consisting of calcitriol, ontazolast, Bayer Bay-x-1005, Ciba-Geigy CGS-25019C, ebselen, Leo Denmark ETH-615, Lilly LY-293111, Ono ONO-4057, Terumo TMK-688, Boehringer Ingelheim BI-RM-270, Lilly LY 213024, Lilly LY 264086, Lilly LY 292728, Ono ONO LB457, Pfizer15696, Perdue Frederick PF 10042, Rhone-Poulenc Rorer RP 66153, SmithKline Beecham SB-201146, SmithKline Beecham SB-201993, SmithKline Beecham SB-209247, Searle SC-53228, Shionogi S-2472, Searle SC-52798, Leo Denmark SR-2566, Sumitomo SM 15178, and American Home Product WAY 121006.

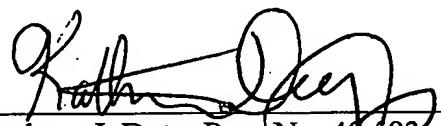
Claim 17 (New): The combination of Claim 15 wherein the leukotriene B4 receptor antagonist is selected from the group consisting of calcitriol, ontazolast, Bayer Bay-x-1005, Ciba-Geigy CGS-25019C, ebselen, Leo Denmark ETH-615, Lilly LY-293111, Ono ONO-4057, Terumo TMK-688, Boehringer Ingelheim BI-RM-270, Lilly LY 213024, Lilly LY 264086, Lilly LY 292728, Ono ONO LB457, Pfizer15696, Perdue Frederick PF 10042, Rhone-Poulenc Rorer RP 66153, SmithKline Beecham SB-201146, SmithKline Beecham SB-201993, SmithKline Beecham SB-209247, Searle SC-53228, Shionogi S-2472, Searle SC-52798, Leo Denmark SR-2566, Sumitomo SM 15178, and American Home Product WAY 121006.

**REMARKS**

Applicants request the entry of this Preliminary Amendment A prior to the first Office action on the merits of the application. Claims 1 - 13 have been canceled and new Claims 14 - 17 has been added by this Amendment. Support for new claims 14 - 17 can be found, for example, at pages 8 - 16 of the specification. Entry of this amendment prior to calculation of the fee due is requested.

The Commissioner is hereby authorized to charge any fees that may be required during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,



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